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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LILIYA KISLIUK, individually, and on
behalf of other members of the general
public similarly situated,

Plaintiff,

vs.

ADT SECURITY SERVICES, INC., a
Delaware Corporation;

Defendant.

Case No.: CV08-03241 DSF (RZx)

CLASS ACTION

**~~[PROPOSED]~~ PROTECTIVE
ORDER REGARDING
DISCLOSURE OF CLASS
MEMBERS' IDENTITIES AND
CONTACT INFORMATION**

Date Action Filed: May 15, 2008
Discovery Cut-Off: None
Pretrial-Conference: None
Trial Date: None

1 The parties to the above-captioned action entered into a Joint Stipulation re:
2 Disclosure of Class Members' Identities and Contact Information dated February
3 11, 2009 ("Stipulation"). That Stipulation provides as follows:
4

5 **WHEREAS**, Plaintiff has served ADT with Interrogatory No. 8, which
6 seeks the identities and contact information of its former and current employees,
7 to wit, the full name, last known address, phone number, social security number
8 and dates of employment, of all non-exempt employees employed by ADT
9 within California from May 15, 2004 until present.

10 **WHEREAS**, ADT has objected to Interrogatory No. 8, because the
11 interrogatory contains subparts, violates privacy rights, is overbroad,
12 burdensome, oppressive, and seeks information that is confidential, proprietary,
13 and irrelevant.

14 **WHEREAS**, on January 14 and February 9, 2009, the Parties met,
15 conferred and agreed that ADT shall disclose the identities and contact
16 information of all individuals employed by ADT as patrol officers from May 15,
17 2004 until February 1, 2009 (all such individuals meeting this definition shall be
18 referred to herein as "Patrol Officers") pursuant to procedures and conditions set
19 forth herein.

20 a. The full name, last known address, phone number, and dates of
21 employment of each and every Patrol Officer employed by ADT within California
22 from May 15, 2004 until February 1, 2009 shall be referred to herein as the Patrol
23 Officer Contact Information (POCI).

24 b. Simpluris, Inc. shall serve as notice administrator, and within
25 seven (7) calendar days after entry of this Order by the Court; ADT shall provide
26 the POCI to Simpluris;

27 c. Upon receipt of the POCI, Simpluris shall notify Plaintiff's
28 counsel that ADT provided the CMCI to Simpluris;

1 d. Within seven (7) calendar days following delivery of the POCI
2 to Simpluris, ADT shall provide a declaration to Plaintiff's counsel describing the
3 specific steps that ADT took to ensure that Simpluris was provided with the POCI
4 of each and every individual meeting the definition of Patrol Officer, as set forth
5 above;

6 e. Simpluris shall maintain the POCI under the strictest of
7 confidence, meaning that Simpluris shall not disclose the POCI to any person,
8 including Plaintiff's counsel, except as provided for herein. Simpluris hereby
9 agrees to be bound by the terms of this Stipulation and Order, and also agrees to
10 submit to the jurisdiction of the United States District Court, Central District of
11 California, with regard to its role, function, and actions as the notice administrator
12 in this action.

13 f. Within seven (7) calendar days after receipt of the POCI,
14 Simpluris shall perform a search for updated addresses through reasonable means
15 of obtaining such addresses and send each Class Member a notice that advises
16 them of the lawsuit and provides them with an opportunity to opt-out from the
17 disclosure of their identities and contact information to Plaintiff's counsel. The
18 form of notice is agreed upon by the Parties and attached [to the Stipulation] as
19 Exhibit "A" (Notice). Upon sending of the Notice, Simpluris shall notify counsel
20 for Plaintiff and Defendant of the number of updated addresses obtained through
21 the process described in this paragraph and the total number of Notices sent;

22 g. Patrol Officers may object to the disclosure of their identities
23 by signing and returning a postage pre-paid postcard addressed to Simpluris,
24 attached [to the Stipulation] as Exhibit "B" (Opt-out Postcard), postmarked fifteen
25 (15) calendar days or less from the date on which Simpluris mails the Notice to
26 the Class Members.

27 h. Class Members who do not send an Opt-out Postcard
28 postmarked fifteen (15) calendar days or less from the date on which Simpluris

1 mails the Notice will be presumed to have consented to providing his or her
2 identity and contact information to Plaintiff's counsel;

3 i. After twenty (20) days from the sending of the Notice,
4 Simpluris shall provide counsel for Plaintiff and Defendant the POCI for those
5 Class Members who have not timely returned an Opt-out Postcard. Simpluris
6 shall also provide counsel for Plaintiff and Defendant with all updated addresses
7 and phone numbers obtained through the address-updating process described in
8 paragraph f., above, for those Patrol Officers who did not timely return an Opt-Out
9 Postcard;

10 j. After twenty (20) days from the sending of the Notice,
11 Simpluris shall provide to Defense Counsel copies of any and all communications
12 between it and Plaintiff's Counsel regarding this case, as well as copies of any and
13 all information provided to Plaintiff's Counsel pursuant to paragraph (i) above;
14 and,

15 k. Plaintiff's counsel shall be solely responsible to Simpluris for
16 the cost of the administration of the Notice and Opt-out Postcard.

17 **WHEREAS**, this Stipulation is entered into without prejudice to Plaintiff
18 to file a motion to compel the POCI of the Patrol Officers and seek sanction
19 against ADT in the event that ADT fails abide by the terms of this agreement.
20 Additionally, this Stipulation is entered into without prejudice to Plaintiff to file
21 a motion to compel all other individuals meeting the criteria set forth in
22 Interrogatory No. 8.

23
24 After considering the Stipulation of the parties, and good cause appearing, it
25 is hereby ORDERED that:

26 The Joint Stipulation re: Disclosure of Class Members' Identities and
27 Contact Information, the terms of which are set forth in this ORDER, is hereby
28 approved and adopted as the ORDER of the Court.

1 It is FURTHER ORDERED that the Notice identified in the Stipulation
2 shall contain the following text:

3 **Liliya Kisliuk v. ADT Security Services, Inc.**
4 United States District Court, Central District of California
CASE NO. CV 08-3241 DSF (RZx)

5 **NOTICE TO POTENTIAL CLASS MEMBERS OF REQUEST FOR CONTACT**
6 **INFORMATION**

7 John Doe
1234 Anywhere St., Apt. 1234
Los Angeles, CA 12345

8 A lawsuit has been filed concerning alleged: (1) failure to pay wages; (2) unpaid wages
9 upon termination; (3) improper wage statements; (4) non-payment for missed meal periods; (5)
10 non-payment for missed rest periods; (6) unpaid business-related expenses; and (6) violation of
the California Business & Professions Code §17200 *et seq.* on behalf of current and former
11 hourly employees of ADT Security Services, Inc. (the "Defendant") in California. Plaintiff's
counsel is seeking to contact potential class members in order to gather information about the
12 case. This letter is being sent to you to determine if you would object to Plaintiff's counsel
receiving your name and contact information.

13 If you do not want your name, address and telephone number to be provided to the
Plaintiff's counsel, you must complete and return the enclosed postcard on or before
14 _____ (which is 15 days from the date of the mailing of this notice). If you do not
return the enclosed postcard, your name, your last known home address and home telephone
15 number will be provided to the Plaintiff's attorneys.

16 Whether or not you return the enclosed postcard will not affect your right to participate,
or not to participate, in the lawsuit. Whether or not you choose to return the enclosed postcard,
17 or whether or not you wish to discuss your employment with ADT with the Plaintiff's attorneys
will be kept confidential and will not affect your employment with Defendant in any way.

18 If you have questions about this notice, you may seek independent legal counsel, or you
19 may contact any of the following attorneys representing the parties:

20 Plaintiff's Attorneys
H. Scott Leviant, Esq.
21 Matthew T. Theriault, Esq.
Dina Livhits, Esq.
22 Linh Hua, Esq.
INITIATIVE LEGAL GROUP, LLP
23 1800 Century Park East, Second Floor
Los Angeles, CA 90067
24 Tel: (310) 556-5637
Attorneys for Plaintiff
25 Liliya Kisliuk

Defendant's Attorneys
Margaret Gillespie, Esq.
OGLETREE DEAKINS NASH & STEWART P.C.
633 West Fifth Street, Suite 5300
Los Angeles, California 90071
Tel: (213) 239-9800
Attorneys for Defendant
ADT Security Services, Inc.
Attorneys for Defendants

It is FURTHER ORDERED that the Opt-Out Postcard identified in the Stipulation shall contain the following text:

Liliya Kisliuk v. ADT Security Services, Inc.
United States District Court, Central District of California
CASE NO. CV 08-3241 DSF (RZx)

IF YOU DO NOT WANT YOUR NAME, HOME ADDRESS AND HOME TELEPHONE NUMBER DISCLOSED TO THE PLAINTIFF'S ATTORNEYS, THIS POSTCARD MUST BE SIGNED AND RETURNED ON OR BEFORE [DATE ____], 2009.

By signing below, I DO NOT want my name, home address and home telephone number disclosed to the Plaintiff's attorneys.

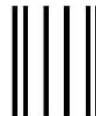
SIGNATURE _____ DATE _____

TO BE EFFECTIVE, PLEASE RETURN THIS POSTCARD TO:

ADT Security Services, Inc. Litigation
NOTICE ADMINISTRATOR,
C/O SIMPLURIS, INC.
3176 PULLMAN ST STE 123
COSTA MESA, CA 92926-9906

POSTMARKED ON OR BEFORE [DATE ____], 2009

[FRONT AND BACK VIEWS OF MODEL OPT-OUT POSTCARD]



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



POSTAGE WILL BE PAID BY ADDRESSEE

Kisliuk, et al., Litigation

SIMPLURIS INC
3176 PULLMAN ST STE 123
COSTA MESA CA 92626-9906



1 Notwithstanding any other provision, this ORDER shall not be construed
2 to limit notice administrator Simpluris's ability to fill in the placeholder names
3 and dates on the Notice and the Opt-Out Postcard.

4
5 **IT IS SO ORDERED.**

6
7 Dated: February 23, 2009

8 
HON. RALPH ZAREFSKY
UNITED STATES MAGISTRATE JUDGE